

U.S.Department
of Transportation

**Federal
Highway
Administration**

1200 New Jersey Ave., SE
Washington, D.C. 20590

April 4, 2019

FOIA Control Number:

2019-0165

In Reply Refer To: FHWA HQ

Beryl Lipton
MuckRock News
Dept. MR 70865
411A Highland Ave.
Somerville, MA 02144-2516

Dear Ms. Lipton:

This is in reference to your Freedom of Information Act (FOIA) request dated March 22, 2019, FOIA control# 2019-0165 to the Federal Highway Administration (FHWA). In your request, you ask for the following materials:

1. Budget materials for the years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and response to FOIA requests and appeals submitted to this Bureau and its offices;
2. Staffing orders/reports/contacts. For the years 2017 and 2018, staffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to this Bureau and its offices. If reports are available in a form that includes the total number of hours worked for FOIA personnel, that version is preferred.
3. All staffing reports and plans for the Year 2019.
4. Contact information, including email addresses and phone numbers for each FOIA officer currently tasked with an open public records request.
5. FOIA requester categories for years 2017 and 2018.
6. FOIA fee waivers for the years 2017 and 2018.

FHWA interprets items **1**, **2**, **3**, and **4** to be seeking the requested documents to the extent they specify information for the FHWA FOIA program. The Freedom of Information Act only applies to records already in existence and does not require an agency to conduct research, create new records, or answer questions presented as FOIA request. As you noted in your request, the FHWA FOIA program is a decentralized program that, since 2010, has undergone organizational changes. In the current program, all offices are responsible for processing FOIA requests, and, as reflected in the mandatory reporting discussed below, FHWA has only one full time employee dedicated to FOIA. Thus, other than the public information to which FHWA directs you below, FHWA does not have any records that are responsive to items **1**, **2**, or **3**.

Each year our agency prepares a report to Congress containing the Annual Report. You can find the information you requested in numbers 4 and 6 in the link to the Department of Transportation Annual Reports. In this report you will find detailed information related to all the FOIA and Appeals received by FHWA and other components of Department of Transportation. This information includes fee waivers for 2017 and 2018 (# 6 on your request); detailed information about the staffing, such as (1) number of "full time FOIA employees", number of "Equivalent full time FOIA employees", processing costs, litigation related costs, total costs. In addition, you will find the Name, address, phone number and FOIA in box e-mail for the FOIA contacts for each component of Department of Transportation, including the FHWA (#4 in your FOIA request). We do not have any records that are responsive to item 5, however, a review of the FOIA Logs may allow you to compile some of this information.

Here is the link to the FOIA Report.

<https://www.transportation.gov/individuals/foia/dot-annual-foia-reports-congress>

Here is the link to the FHWA FOIA Log for years 2017 and 2018.

<https://www.fhwa.dot.gov/foia/foialogs.c:fm>

Pursuant to U.S. Department of Transportation regulations (49 C.F.R. § 7.32), you have the right to appeal this decision in writing to Mr. Arlan Finfrock, Associate Administrator for Administration, Federal Highway Administration. Your appeal may be mailed to 1200 New Jersey Avenue, S.E., E66-322, Washington, D.C. 20590-9898, or sent via e-mail at FHWA.foia.appeals@dot.gov or via fax at (202) 366-7499. Should you wish to exercise this right, the Agency decision on the appeal will be the final administrative action. Your appeal must be postmarked or, in the case of electronic or facsimile transmission, submitted within ninety (90) calendar days from the date the initial determination is signed. The appeal should include the FHWA file or reference number assigned to the request and all information and arguments relied upon in making the appeal.

You also have the right to seek dispute resolution services from the FHWA FOIA Public Liaison, Christopher Richardson, FOIA.PublicLiaison@dot.gov, via phone (202) 366-0780; or the Office of Government Information Services (<https://ogis.archives.gov>) via phone (202) 741-5470/toll free 1(877) 684-6448; fax (202) 741-5769; or e-mail ogis@nara.gov.

Sincerely,



Manizheh Boehm
FHWA FOIA Specialist

CC: HCC-40